

REMARKS

In accordance with the foregoing, claims 5 and 13 have been amended without narrowing the scope of the claims as would have been understood by one skilled in the art, and claims 15-18, 24-27, 34, 66, 67, and 73 have been canceled without prejudice or disclaimer.

Claims 1, 2, 4-7, 13, 14, 18, 33, 35-44, 52-65, 68-72 and 74-78 are pending and under consideration. No new matter is presented in this Amendment.

OBVIOUSNESS TYPE DOUBLE PATENTING

On pages 2-3 of the Office Action, the Examiner provisionally rejects claims 1, 15, 24, 33, 36, 68, 70, 74, 75 and 77 under the judicially created doctrine of obviousness-type double patenting over selected claims of copending U.S. Patent Application No. 11/045,149. Since U.S. Patent Application No. 11/045,149 has not yet been issued as a patent, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature. MPEP 804(I)(B). As such, it is respectfully requested that the applicants be allowed to address any obviousness-type double patenting issues remaining once the remaining rejection of the claims are resolved and that the rejection be reconsidered in light of the claims presented above.

REJECTIONS UNDER 35 U.S.C. §112:

On pages 3-4 of the Office Action, the Examiner rejects claims 13 and 14 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is traversed and reconsideration is respectfully requested.

Claim 13 has been amended to clarify the scope of the claims as would have been understood by one skilled in the art and without narrowing the scope of the claims. As such, while it is respectfully submitted that claim 13 as previously presented was sufficiently clear to be compliant with 35 U.S.C. §112, it is respectfully requested that the Examiner reconsider and withdraw the rejection of claims 13 and 14.

REJECTIONS UNDER 35 U.S.C. §102:

On pages 4-6 of the Office Action, the Examiner rejects claims 1-2, 4-7, 13-18, 24-27, 33-44 and 52-78 under 35 U.S.C. §102(e) as being anticipated by Park (U.S. Patent Publication No. 2004/0223440 A1). The rejection is traversed and reconsideration is respectfully requested.

As a point of clarification, the instant application is based on Korean Patent Application

No. 2002-63850, filed on October 18, 2002 in the Korean Intellectual Property Office, and Korean Patent Application No. 2002-79755, filed on December 13, 2002 in the Korean Intellectual Property Office. Certified copies of Korean Patent Application No. 2002-63850 and Korean Patent Application No. 2002-79755 were filed in the United States Patent and Trademark Office as acknowledged by the Examiner on page 1 of the Office Action and confirmed by a review of the Patent Application Information Retrieval (PAIR) system.

Further, enclosed is an English translation of Korean Patent Application No. 2002-79755, along with a corresponding statement from the translator in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the applicants have established a date of invention of at least December 13, 2002. MPEP 201.15. Since Park has a U.S. filing date of May 9, 2003, it is respectfully submitted that Park is not available as prior art under 35 U.S.C. §102(e) since Park was not filed in the United States prior to the applicants' invention. MPEP 706.02(b). Since Park does not appear to otherwise qualify as prior art, it is respectfully requested that the Examiner withdraw the rejection of claims 1-2, 4-7, 13-18, 24-27, 33-44 and 52-78 in view of Park.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,
STEIN, MCEWEN & BUI, LLP

Date: May 15, 2006
1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510

By: 
James G. McEwen
Registration No. 41,983